UNITED STATES PATENT AND TRADEMARK OFFICE

𝟝𝟎

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,063	04/26/2001	Rabindranath Dutta	AUS920010005US1	8503

7590 03/24/2005	EXAMINER
Marilyn Smith Dawkins	CHEN, CHONGSHAN
International Business Machines Corporation	

ART UNIT	PAPER NUMBER
2162	

Marilyn Smith Dawkins
International Business Machines Corporation
Intellectual Property Law Department
Internal Zip 4054, 11400 Burnet Road
Austin, TX 78758

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

~~Hu~~

	Application No.	Applicant(s)
Office Action Summary	09/843,063	DUTTA ET AL.
	Examiner	Art Unit	
	Chongshan Chen	2162	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10,18-24,27-30 and 33-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-10, 18-24, 27-30 and 33-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to Amendment filed on 12 November 2005. Claims 1, 2, 4-10,

18-24, 27-30 and 33-35 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 2, 4-6, 18-20, 28 and 33-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Olah et al. (hereinafter "Olah", US 6,446,119 B1) in view of Pavley et al.

(hereinafter "Pavley", US 6,317,141 B1).

As per claim 1, Olah teaches a method for displaying, at a client, transient messages

received over a network, the method comprising:

capturing, independently of a user action., at different times, a plurality of separate screen

images of a plurality of different multimedia objects each containing at least one transient

message rendered on a display at the client (Olah, col. 4, lines 32-33, screen captures);

storing each captured screen image of the multimedia object in a chronological list (Olah,

col. 4, lines 32-33, Olah teaches capturing and storing screen images of a multimedia objects in

log. Log is first in first out, which is in chronological order).

Olah teaches displaying the captured screen images, but does not explicitly disclose

displaying the chronological list with control buttons for enabling a subsequent rendering of the

stored screen captured images in at least one of a forward and backward succession, at a user

configurable rate, in response to a user selection of one of the displayed control buttons, wherein

the displayed control buttons are independent of any playback control displayed in conjunction

with initially rendering a given multimedia object from which the screen images were captured.

Pavley discloses creating a slide show for the captured screen images (Pavley, col. 2, lines 15-

20). A slide show such as Microsoft PowerPoint displays a list of multimedia objects and plays

the list of multimedia objects in a forward succession at a user configurable rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Olah by incorporating the Microsoft PowerPoint

program as disclosed by Pavley. The motivation being to allow the user to use Microsoft

PowerPoint to create a slide show for the images in the activity log of Olah and play the captured

images in a forward succession at a rate specified by user. This is much convenient for the user

because the user does not need to select and play the images one by one.

Claims 2 and 4 are rejected on grounds corresponding to the reasons given above for

claim 1.

As per claim 5, Olah and Pavley teach all the claimed subject matters as discussed in

claim 1, and further teach the different times are determined by a configurable periodic interval

(Olah, Fig. 2-3, "Please enter the minutes of each hour of which you wish to save").

As per claim 6, Olah and Pavley teach all the claimed subject matters as discussed in

claim 5, and further teach the configurable periodic interval occurs for a configurable duration of

time (Olah, Fig. 2-3).

Claims 18-20, 28 and 33-35 are rejected on grounds corresponding to the reasons given above for claims 1-2 and 4-6.

4.   Claims 7, 9, 21, 23, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olah et al. (hereinafter "Olah", US 6,446,119 B1) in view of Pavley et al. (hereinafter "Pavley", US 6,317,141 B1) and further in view of Enright et al. (hereinafter "Enright", US 6,583,813 B1).

As per claim 7, Olah and Pavley teach all the claimed subject matters as discussed in claim 1, and further teach capture screen images at different times. However, neither Olah nor Pavley explicitly discloses the different times are determined by a change in content. Enright teaches the different times are determined by a change in content (Enright, col. 4, lines 20-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Olah and Pevley's combined system by incorporating the mean of determining whether the image is changed and capturing the changed image as disclosed by Enright (Enright, col. 4, lines 20-23). The motivation being to eliminate the duplicated copies of images and save the storage space.

Claims 9, 21, 23, 27 and 29 are rejected on grounds corresponding to the reasons given above for claims 1 and 7.

5.   Claims 8, 10, 22, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olah et al. (hereinafter "Olah", US 6,446,119 B1) in view of Pavley et al. (hereinafter "Pavley", US 6,317,141 B1) in view of Enright et al. (hereinafter "Enright", US 6,583,813 B1) and further in view of Pixley (Document Object Model (DOM) Level 2 Events Specification, 13 November 2000, http://www.w3.org/TR/2000/REC-DOM-Level-2-Events-20001113/).

As per claim 8, Olah, Pavley and Enright teach all the claimed subject matters as discussed in claim 7, and further teaches capturing images in detecting changes in content of images (Enright, col. 4, lines 20-23). However, neither of them explicitly discloses the change in content is determined by utilizing a document object model of the displayed page. Pixley teaches using a document object model to detect changes in content of images (Pixley, page 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Olah, Pavley and Enright's combined system by incorporating a document object model as disclosed by Pixley. The motivation being to use a document object model to detect changes in content of images and trigger the capturing process.

Claims 10, 22, 24 and 30 are rejected on grounds corresponding to the reasons given above for claim 8.

Response to Arguments

6.   Applicant's arguments filed on 12 November 2005 have been fully considered but they are not persuasive.

7.   As per applicant's arguments regarding "Olah teaches that 'an entire hour's worth of activity may be displayed on the terminal 5A, each image being reduced in size and resolution to fit'. In contrast, the present invention provides 'a subsequent rendering of the stored screen captured images' and not a reduced images as taught by Olah" have been considered but are not persuasive. Examiner argues that applicant quotes a sentence out of its context. Olah states "the operator **may** select the manner of display and illustrate the user's usage of the computer by displaying multiple images/data along-side each other, e.g. an entire hour's worth of activity

may be displayed on the terminal 5A, each image being reduced in size and resolution to fit".

Please note the underlined phrases "may" and "maybe" in the sentence. The user does not have

to display the images in reduced size and resolution. Olah provides the user with options to

either display the images in reduced size and resolution or display the images as original.

Furthermore, Olah teaches displaying the captured images as they appeared on the user's screen

(Olah, col. 9, lines 21-25). Clearly, Olah teaches a subsequent rendering of the stored screen

captured images. Therefore, the arguments are not persuasive.

8.   As per applicant's arguments regarding Pavley does not teach displaying a chronological

list with control buttons have been considered but are not persuasive. Pavley teaches the user

may import the images and video directly into a presentation program, such as Microsoft

PowerPoint^{TM} (Pavley, col. 2, lines 15-17), and create a slide show (Pavley, col. 8, lines 53-64).

Microsoft PowerPoint displays a list of image objects with control buttons to play the slides

(Please see the Figure 1 below). Figure 1 shows Microsoft PowerPoint program with control

button to play the slide show. In the left panel of the Figure 1, Microsoft PowerPoint displays a

list of image objects. Since Olah teaches capturing and storing images in a chronological list and

Pavley teaches importing the images into Microsoft PowerPoint and creating a slide show,

Microsoft PowerPoint creates a slide show with the images in chronological list and displays the

chronological list in the left panel of Figure 1. Microsoft slide show displays the chronological

list of images in forward succession at a user configurable rate (Pavley, col. 15, line 65 – col. 16,

line 2). Therefore, the arguments are not persuasive.
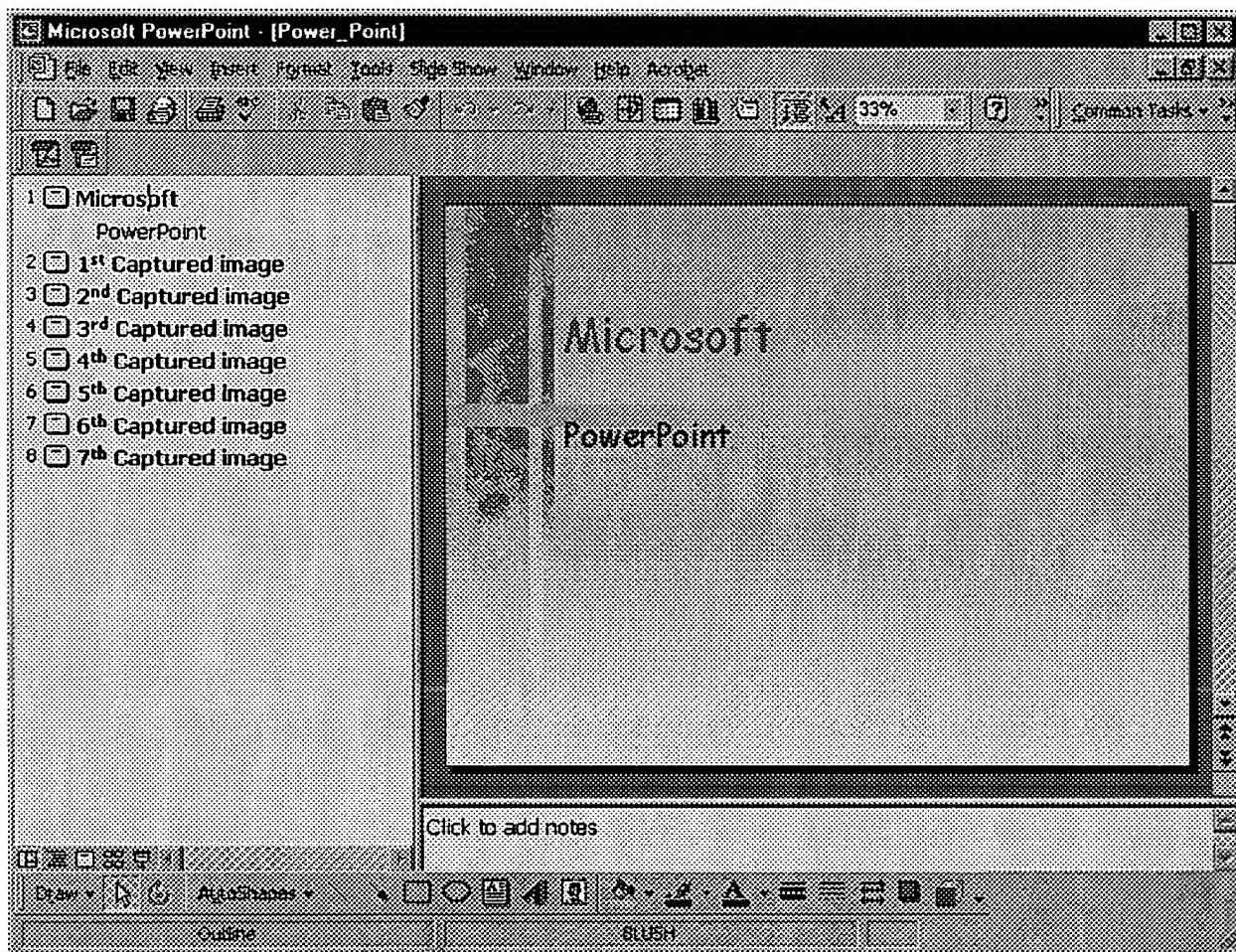
Figure 1

9. As per applicant's arguments regarding the proposed slide show as taught by Pavley would be for images, not for the "stored activity log" as taught by Olah have been considered but are not persuasive. Olan teaches capturing images and storing the images in the activity log. Therefore, the activity log of Olah stores images in a chronological list. Pavley teaches using Microsoft PowerPoint to import images, which will be imported from the activity log, and create slide shows for the imported images. Therefore, the arguments are not persuasive.

10.   In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Olah teaches capturing screen images and storing the captured images in a log for

later review. Pavley teaches using Microsoft PowerPoint to import images and create slide

show. Microsoft PowerPoint slide show plays a list of images in forward succession at a rate

specified by the user. Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the system of Olah by incorporating the Microsoft

PowerPoint program as disclosed by Pavley. The motivation being to allow the user to use

Microsoft PowerPoint to create a slide show for the images in the activity log of Olah and play

the captured images in a forward succession at a rate specified by user. This is much convenient

for the user because the user does not need to select and play the images one by one.

11.   As per applicant's arguments regarding there is no reasonable expectation of success in

the proposed combination of Olah and Pavley have been considered but are not persuasive.

Applicant argues since Olah's principle of operation is to prevent the user from knowing about

the monitoring action, and to restrict that knowledge about and access to the activity log, then

that same user would be prevented from using a slide show as taught by Pavley, and this would

render Olah unsatisfactory for its intended purpose if combined with Pavley. Examiner argues

that the employer is aware of the monitor program which captures screen images and stores the

captured images in a log. Furthermore, the employer has access to the log. The employer would like to modify the system of Olah by incorporating the Microsoft PowerPoint as disclosed by Pavley. The will allow the employer to review the captured images in the log in a forward succession at a specified rate. The is much convenient for the employer for reviewing since he/she does not need to select and play images one by one. Therefore, the arguments are not persuasive.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
March 19, 2005

JEAN M CORRIELUS
PRIMARY EXAMINER